

## PROCEDURES FOR STUDENT RECORDS

In recognition that the confidentiality of student records must be maintained, the following regulations are adopted by the Board of Education.

### **Section 1:**

Pursuant to the Family Education Rights and Privacy Act of 1974, (FERPA), as amended, it is the policy of this school district to permit parents/guardians and eligible students to inspect and review any and all official records, files and data directly related to that student, including all materials that are incorporated into each student's cumulative record folder.

For the purposes of this regulation, "eligible students" are those students who are eighteen (18) years of age or older or former students who are attending any school beyond the high school level. The rights created by FERPA transfer from the parent/guardians to the student once the student attains "eligible student" status.

### **Section 2:**

Parents/guardians or the eligible student will have an opportunity for a hearing to challenge the content of the student's school records, to insure that the records are not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained herein.

### **Section 3:**

Each fall, a letter shall be sent to parents/guardians and eligible students informing them of their rights pursuant to FERPA. (Suggested format of such notice is included as Exhibit 5500-E-1.) The school district shall provide translation of this notice, where necessary, to parents/guardians and eligible students in their native language or dominant mode of communication. (See Policy 5500 for further information on notice requirements)

### **Section 4:**

To implement the rights provided in Sections 1 & 2, above, the following procedures are adopted:

- (1) A parent/guardian or eligible student who wishes to inspect and review student records shall make a request, in writing, to the building principal for access to the student's school records. Upon receipt of such request, arrangements shall be made to provide access to such records within forty-five (45) calendar days after receipt of the request. If the record sought includes information on more than one student, the parent/guardian or eligible student will be allowed to inspect and review only the specific information about the student on whose behalf access is sought.
- (2) A parent/guardian or eligible student who wishes to challenge the contents of the student's school records shall submit a request, in writing, to the building principal identifying in the record or records which they believe are inaccurate, misleading or otherwise in violation of the privacy or other rights of the student together with a statement of the reasons for their challenge to the record

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- (3) Upon receipt of a written challenge, the building principal shall provide a written response indicating that s/he:

*EITHER*

Finds the challenged record inaccurate, misleading or otherwise in violation of the student's rights and that the record will be corrected or deleted

*OR*

Finds no basis for correcting or deleting the record in question but that the parent/guardian or eligible student will be given an opportunity for a hearing. The written response by the building principal shall be provided to the parent/guardian or eligible student within fourteen (14) calendar days after receipt of the written challenge. The response shall also outline the procedures to follow with respect to a hearing regarding the request for amendment.

- (4) Within fourteen (14) calendar days of receipt of the response from the building principal, a parent/guardian or eligible student may request, in writing, that a hearing be held to review the determination of the building principal
- (5) The hearing shall be conducted within ten (10) calendar days after receipt of the request for the hearing. The superintendent of schools will conduct said hearing unless the superintendent of schools has a direct interest in the outcome of the hearing. In such case, the superintendent of schools will designate another individual to conduct the hearing that does not have a direct interest in the outcome.
- (6) The parent/guardian or eligible student shall be given a full and fair opportunity to present evidence at the hearing. At their own expense, the parent/guardian or eligible student may be assisted or represented by one or more individuals of his or her own choice, including an attorney.
- (7) The superintendent of schools, or designee, will make a decision in writing within fourteen (14) calendar days after the hearing
- (8) After the hearing, if the superintendent of schools, or designee, decides not to amend the student's record, the school district will inform the parent/guardian or eligible student that they have the right to place a statement in the record commenting on the contested information or stating why s/he disagrees with the school district's decision. Any statement placed in the record will be maintained as long as the record is maintained. Further, the statement shall be disclosed by the school district whenever it discloses the portion of the record to which the statement related.

### *Section 5:*

Except to the extent that FERPA authorizes disclosure of student records without consent, student records, and any material contained therein which is personally identifiable, are confidential and will not be released or made available to persons other than parents/guardians or eligible students without the prior written consent of the parents/guardians or eligible students'.

Exemptions to FERPA's prior consent requirement include, but are not limited to, disclosure:

